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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN JOSEPH SEKA,

Petitioner,

vs.

CALVIN JOHNSON, WARDEN, *et al.*,

Respondents.

Case No. 2:22-cv-02184-RFB-BNW

**STIPULATION AND ORDER TO STAY
FEDERAL PROCEEDINGS PENDING
COMPLETION OF PENDING STATE POST-
CONVICTION PROCEEDINGS.**

Respondents, by and through counsel, Matthew S. Johnson, Senior Deputy Attorney General of the State of Nevada, and Petitioner John Joseph Seka, by and through Shelly Richter, Assistant Federal Public Defender, hereby stipulate as follows:

An appeal from the denial of a state post-conviction petition containing one or more claims raised in Seka's Second or Successive Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, has been briefed and is waiting for a decision by the Nevada Supreme Court.

The parties agree that the federal proceedings should be stayed until remittitur is issued following the Nevada Supreme Court's decision on the pending appeal in state court.

The parties agree that Mr. Seka will file a status report regarding the progress of the pending appeal every six months from the date this Court issues the stay until the remittitur is issued. Respondents may, if necessary, file and serve a response to any such status report within 15 days after its service. If necessary, Mr. Seka may then file a reply within 15 days of service of the response.

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1 The parties agree that Mr. Seka will file a motion to reopen the federal proceedings within thirty
2 days of the issuance of remittitur.

3 The parties agree that, unless Respondents request an extension of time, Respondents will have
4 60 days from the date this Court issues its order reopening the federal proceedings to respond to Mr.
5 Seka's federal habeas petition.

6 The parties agree that Respondents do not, by stipulating to the instant stay, intend to waive any
7 procedural defenses. Respondents do not concede that Mr. Seka's pending federal habeas petition will
8 be considered fully exhausted, timely, or free from procedural default or any other error.

9 DATED this 23rd day of July, 2024.

10 AARON D. FORD
11 Attorney General

RENE L. VALLADARES
Federal Public Defender

12 By: /s/ Matthew S. Johnson
13 MATTHEW S. JOHNSON (Bar. No. 12412)
Senior Deputy Attorney General

By: /s/ Shelly Richter
SHELLY RICHTER (CA Bar No. 343104)
Federal Public Defender

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15 IT IS SO ORDERED

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17 **RICHARD F. BOULWARE, II**
18 **UNITED STATES DISTRICT JUDGE**

19 **DATED:** August 8, 2024.
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